

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT)	PDC CASE NO: 01-201
ACTION AGAINST)	
)	
Bethel School District)	Notice of Administrative
)	Charges
Respondent.)	
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IT IS ALLEGED as follows:

I.
JURISDICTION

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Commission, Chapter 34.05, Administrative Procedure Act, and Title 390 WAC.

II.
LAW

RCW 42.17.680 states in part:

(3) No employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries may withhold or divert a portion of an employee's wages or salaries for contributions to political committees or for use as political contributions except upon the written request of the employee. . . . The request is valid for no more than twelve months from the date it is made by the employee.

(4) Each person or entity who withholds contributions under subsection (3) of this section shall maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts that shall include a copy of each employee's request, the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. Copies of such information shall be delivered to the commission upon request.

III. **BACKGROUND**

On March 30, 2001, the Public Disclosure Commission received a complaint from Mr. Jami Lund of the Evergreen Freedom Foundation alleging that the Bethel School District was in violation of RCW 42.17.680 for failing to maintain open for public inspection copies of employees' requests for payroll deductions of contributions to the Washington Education Association's (WEA) political committee, "Washington Education Association – Political Action Committee" (WEA-PAC). PDC staff reviewed the complaint and the response made on behalf of the Bethel School District by its attorney, William Coats. PDC staff also interviewed Karen Campbell, Payroll Manager for the Bethel School District, and reviewed the Bethel School District employees' WEA-PAC payroll deduction authorizations submitted to the payroll office for the 2000-2001 school year and the APA Blue Cross WEA dues billing statements for certificated employees.

IV. **FACTS**

These charges incorporate the Report of Investigation and all of its exhibits by reference.

Failure to Maintain Open for Public Inspection Employees' Payroll Deduction Authorization Forms For Contributions to a Political Committee (RCW 42.17.680(4))

A representative of the Evergreen Freedom Foundation (EFF) visited the Bethel School District's payroll office on March 29, 2001 and asked to see the District employees' requests authorizing payroll deductions for contributions to WEA-PAC. Karen Campbell, payroll manager for the Bethel School District, was not present when the EFF representative asked to see the authorization forms. The District employees who met with the EFF representative denied the request to view the WEA-PAC payroll deduction authorizations.

The District admitted that it did not allow the EFF representative to inspect the payroll deduction authorizations for WEA-PAC contributions. However, the District contends that its failure was the result of a misunderstanding between the EFF representative and two District employees who initially believed the EFF representative to be a District employee who wanted to complete a withholding authorization for a WEA-PAC contribution.

After the EFF representative made it clear she was from the EFF and wanted to see withholding authorizations for individual District employees, one of the employee's helping the EFF representative denied the request, stating that she could not release employee information.

The Bethel School District withholds WEA-PAC contributions for eight of its employees. All employees have signed withholding authorization forms on file with the District. None of the 2000-2001 WEA-PAC contributions were withheld before the District received a signed authorization.

The District responded that the EFF representative did not give prior notice or leave a written request, and accordingly the District did not respond to her request. Payroll Manager Karen Campbell stated that the District now maintains a file of payroll deduction authorizations for public inspection.

V.
CONCLUSION

Staff alleges, based on the facts specified in Section IV, that the Bethel District violated **RCW 42.17.680(4)** by failing to maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts required by RCW 42.17.680 including a copy of each employee's request for withholding wages for the purpose of making contributions to a political committee.

RESPECTFULLY SUBMITTED this 7th day of August, 2001.

Philip E. Stutzman
Director of Compliance